

REMARKS

With the above amendments, claims 1, 3-14, and 16-22 remain in the application. Claims 1, 3-14, and 16-19 are hereby amended. Claims 2 and 15 are hereby canceled without prejudice. New claims 20-22 are hereby added. No new matter has been added.

Claim Rejections 35 U.S.C. § 112

Claim 10 is objected because of a grammatical informality. In accordance with the Examiner's recommendation, the applicants have amended claim 10 so as to recite "of claim 1" rather than "if claim 1". As such applicants respectfully submit that this objection is now corrected.

Claims 8 and 10-19 are objected to because of the recitation of "capable of". In accordance with the Examiner's recommendation, the applicants have amended these claims so as to recite "configured to" rather than "capable of". For example, claim 8 as amended now recites "configured to hold" rather than "capable of holding". As such applicants respectfully submit that this objection is now corrected.

Allowable Subject Matter of Original Claims 15 and 16

Since original claims 15 and 16 were not rejected in the office action, applicants assume that the subject matter of these specific claims have been deemed as allowable.

As such, applicants have hereby amended claim 1 to incorporate the limitation of original claim 15 (and claim 15 has been hereby canceled). Specifically, claim 1 has been amended by inserting "wherein the transmitting stream manager is configured to increase a data transmission rate by utilizing the non-QOS guaranteed data network when a fill level of the buffer at the transmitting location is above a threshold." Thus, applicants respectfully submit that claim 1 as amended is now in form for allowance.

Claim 16 is hereby amended to be of independent form by generally incorporating the limitations of original claim 1. Thus, applicants respectfully submit that claim 16 as amended is now in form for allowance.

Claims 3-14 depend from claim 1. Since claim 1 has been amended to incorporate the allowable subject matter of claim 15, claims 3-14 are now also in form for allowance.

Claims 17-19 depend from claim 16. Since claim 16 includes allowable subject matter and has been amended to be of independent form, claims 17-19 are now also in form for allowance.

Claims 20-22 are newly added method claims. New claim 20 is an independent method claim which includes a limitation whereby a data transmission rate is increased "by the transmitting stream manager determining to utilize the non-quality-of-service guaranteed data network when a fill level of the buffer at the transmitting location is above a predetermined threshold level." This limitation is similar to the allowable limitation from claim 15. Thus, applicants respectfully submit that new claim 20 is also patentable.

New claim 21 is an independent method claim which includes a limitation whereby a data transmission rate is increased "by the transmitting stream manager determining to utilize the non-quality-of-service guaranteed data network upon receiving a request to do so from a receiving stream manager." This limitation is similar to the allowable limitation from claim 16. Thus, applicants respectfully submit that new claim 21 is also patentable.

New claim 22 depends from claim 21 and, hence, should also be patentable.

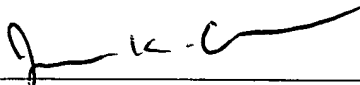
Conclusion

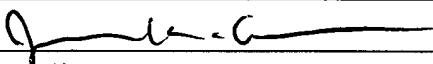
For at least the above reasons, it is respectfully submitted that claims 1, 3-14, and 16-22 are now in form for allowance. The Examiner is invited to telephone the undersigned at (408) 436-2111 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
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